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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,063	08/20/2003	Janusz Sosnowski	071469-0305475	4355
909 75	11/16/2005		EXAMINER	
	WINTHROP SHAW PIT	PASCHALL	PASCHALL, MARK H	
P.O. BOX 10500 MCLEAN, VA 22102			ART UNIT	PAPER NUMBER
,			3742	

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Patr

Office Action Summary The MAILING DATE of this communication appears on the cover sheel with the correspondence address Period for Reply A SHORTEMED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE g MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Settlessine of them saybe saviable under the provisions of 27 for 11.13(1), to resply the specified store, the realization of 27 for 11.13(1), to resply the specified store, the realization of 27 for 11.13(1), to resply the specified store, the realization of 27 for 11.13(1), to resply the specified store, the realization of 27 for 11.13(1) and the provision of 27 for 11.13(1) and 11.13(1) a	•	Application No.	Applicant(s)				
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2a) This action is FINAL. 2b) This action is non-final. 3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-23 is/are pending in the application. 4a) Of the above claim(s) 17-23 is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 6) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 8) Claim(s) is/are objected to by the Examiner. 10) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Application Papers 9) Hospicial may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some Oleon None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received.	Status						
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DETAILED ACTION

Applicant's election without traverse of claims 1-16 in the reply filed on 09-28-2005 is acknowledged.

Claims 17-23 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 09-28-05.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1,4,5,10,11,13-16 are rejected under 35 U.S.C. 102(a) as being anticipated by Goodman et al 339'. Note figures 8 and figure 12.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2,3,6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodman et al in view of Mahoney et al. Goodman et al teach the claimed subject matter except for showing use of IR sensing of the processing parameters. Mahoney et

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al, in column 12 lines 46 plus, teach that IR sensing of identical parameters in a plasma processing system is conventional, dependent on the end use of the device, (spectro9sclpy), and in view of this teaching it would have been obvious to modify the Goodman et al system with infrared sensing, if needed, this need dependent on the end use of the device.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Escalera et al, Lys et al are cited for disclosing inventions of interest to the instant disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark H. Paschall whose telephone number is 703 308-1642. The examiner can normally be reached on 7am - 3pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark H Paschall Primary Examiner Art Unit 3742

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